

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 2-4, 8-12, 14, 15, and 19-36 are canceled and claims 1 and 13 are amended. Claims 1, 5-7, 13, and 16-18 are now pending.

Inasmuch as the present amendment does not touch the merits of the application, but instead simply cancels various rejected or previously withdrawn claims, namely, claims 2, 3, 8-12, 14, and 19-36, and sets forth claim amendments that the Examiner has suggested would put the claims in allowable condition, entry of this amendment is proper under 37 C.F.R. § 1.116.

I. General Considerations

Applicant notes that the remarks, or lack of remarks, and amendments set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

II. Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1 and 5-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,473,457 (*Ono*). Independent claim 1 has been amended to incorporate all of the limitations of claim 4. The Examiner has acknowledged in the Office Action that rewriting claim 4 to include all the limitations of the base claim (claim 1) would place claim 4 in allowable condition. Accordingly, Applicant submits that claim 1 is now in allowable condition for at least the same reasons given by the Examiner regarding previous claim 4. Claims 1 and 5-7 are therefore in condition for allowance. Claims 8-11 have been cancelled.

III. Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 2, 3, 12-14, and 16-18 under 35 U.S.C. § 103(a) as being obvious over *Ono*. Independent claim 13 has been amended herein to incorporate all of the limitations of claim 15, which previously depended from claim 13. The Examiner has

acknowledged in the Office Action that rewriting claim 15 to include all the limitations of the base claim (claim 13) would place claim 15 in allowable condition. Accordingly, Applicant submits that claim 13 is now in allowable condition for at least the same reasons given by the Examiner regarding previous claim 15. As such, Applicant respectfully submits that claims 13, and 16-18 are in condition for allowance. Claims 2-3 and 12-14 have been cancelled.

IV. Allowed Subject Matter

The Examiner has indicated that claims 4 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As noted above Applicant has incorporated the limitations of claims 4 and 15 into independent claims 1 and 13, respectively. As such, for at least the same reasons that claims 4 and 15 were deemed to be allowable by the Examiner, Applicant submits that amended claims 1 and 13 are now in condition for allowance. For at least the same reason(s), claims 5-7 and 16-18, each of which depends from one of claims 1 and 13, are believed to be in condition for allowance as well.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 1 and 13 (rewritten to incorporate the limitations of previous claims 4 and 15, respectively) are respectively directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Office Action.

Particularly, Applicant submits that the patentability of a claim is properly determined with reference to the claim *as a whole*. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claims 1 and 13 in view of the cited references.

Conclusion

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1, 5-7, 13, and 16-18 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event

that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 27th day of November 2006.

Respectfully submitted,

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